

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

MICHAEL VINCENT, Reg. No. 175509,)	
)	
Plaintiff,)	
)	
v.)	No. 05-4247-CV-C-NKL
)	
DAVID WEBSTER,)	
)	
Defendant.)	

ORDER

On April 16, 2007, United States Magistrate Judge William A. Knox recommended that defendant David Webster's motion for summary judgment be granted and plaintiff Michael Vincent's claims be dismissed. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C).

The court has conducted a de novo review of the record¹, including the exceptions filed by plaintiff on April 30, 2007. The issues raised in plaintiff's exceptions were adequately addressed in the report and recommendation. Plaintiff has come forward with no admissible evidence that the punishment he received was different from that given to similarly situated Caucasian inmates. The court is persuaded that the recommendation of the Magistrate Judge is correct and should be adopted.

Inmates who file an appeal with the United States Court of Appeals for the Eighth Circuit are required to pay the full \$455.00 appellate filing fee, regardless of the outcome of the appeal. Henderson v. Norris, 129 F.3d 481, 484 (8th Cir. 1997). The filing of a notice of appeal is considered a consent by the inmate to allow prison officials to deduct an initial partial appellate filing fee and later installments from the prisoner's account.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of April 16, 2007, is adopted. [38] It is further

¹Court proceedings, if any, are recorded by electronic recording equipment and the tapes are available for review by the court and counsel.

ORDERED that defendant Webster's motion for summary judgment is granted, and plaintiff Vincent's claims are dismissed. [36]

/s/

NANETTE K. LAUGHREY
United States District Judge

Dated: May 31, 2007
Jefferson City, Missouri